

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: ELIZABETH BATES, Petitioner, v. GTE MIDWEST INCORPORATED, Respondent.	DOCKET NO. FCU-99-4 (C-99-154)
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DECISION AND ORDER

(Issued December 9, 1999)

On June 25, 1999, Elizabeth Bates filed an informal complaint with the Utilities Board (Board), identified as Docket No. C-99-154. Ms. Bates complained that GTE Midwest Incorporated (GTE) had omitted her name and telephone number from the telephone directory. On July 8, 1999, GTE responded to the complaint and stated that on January 6, 1999, an order was written to remove a business listing and reestablish service under the names of Jack and Elizabeth Bates. Although the business listing was removed, the new listing was not included in the directory assistance database. Since it was not in the database, their number was not included in the telephone directory. GTE stated that it had now submitted the information to the database and that the Bates listing should be included in future directories.

On July 12, 1999, the Board's staff issued a proposed resolution stating that GTE had now added the listing to the directory assistance database to be published in future directories. No additional relief was proposed.

On July 27, 1999, Ms. Bates filed a request for formal complaint proceedings, stating she was concerned that customers will incur a charge when they call directory assistance to obtain her telephone number. She stated this charge might discourage people from calling. On August 9, 1999, GTE responded and stated customers are allowed two free calls per account per month and, therefore, callers will not always incur an expense for obtaining the number from directory assistance.

On October 1, 1999, the Board issued an order granting formal complaint proceedings. Because there are no disputed issues of fact to be resolved, the Board did not schedule a hearing. Instead, the Board ordered GTE to furnish the Bates' telephone number at no charge to all persons who request it, relying on IOWA ADMIN. CODE 199-22.3(1)"f" (1999).

IOWA ADMIN. CODE 199-22.3(1)"f" provides, in relevant part, that "[i]n the event of an error or omission, in the name or number listing of a customer, that customer's correct name and telephone number shall be furnished to the calling party either upon request or interception by the telephone company." The Board interpreted the term "furnished" in the rule to mean the company must provide the listing at no charge. Therefore, the Board directed GTE to provide the Bates' number at no charge to all parties who request it until the time the next directory is published.

The Board recognized that there might be technical difficulties associated with the Board's order. Accordingly, GTE was ordered to immediately notify the Board if it found it technically impossible to comply with the order.

On October 14, 1999, GTE responded to the order. GTE stated that the calls coming into the GTE directory assistance bureaus are noted only as directory assistance calls, with charges automatically applied whenever the number of calls from any customer exceeds two in any month. GTE's system does not record the number requested, so it lacks the information necessary to credit any charges incurred for requesting the Bates' number. Further, GTE noted there are many different directory assistance bureaus, belonging to other companies, that would continue to collect charges for providing the Bates' telephone number, regardless of what GTE might do. Thus, GTE submitted that it is technically impossible for it to ensure that other customers never incur charges for directory assistance calls seeking the Bates' telephone number.

As an alternative, GTE offered to credit the Bates' account for one-half of the basic rate for service for the period of time the directory is in error. The Board finds this is a reasonable proposal. It provides the Bates with some compensation for the inconvenience associated with GTE's error. It does not target that compensation to the other customers who may incur directory assistance charges to identify the Bates' telephone number, but it appears there is no available mechanism that can produce that result. Under the circumstances, a credit of one-half the basic rate for

service for the entire time the directory is in error appears to be the best, most reasonable resolution available.

IT IS THEREFORE ORDERED:

1. Ordering Clause No. 2 of the "Order Granting Request For Formal Complaint Proceedings" issued in this docket on October 1, 1999, is vacated.
2. GTE Midwest Incorporated shall credit the account of Jack and Elizabeth Bates for one-half of the basic rate for service for each month, or part thereof, that the current published telephone directory fails to include the Bates' listing.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper
Executive Secretary, Deputy

/s/ Diane Munns

Dated at Des Moines, Iowa, this 9th day of December, 1999.